IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 11954 of 2005(W)

CMA.7/2004 OF SUB COURT, PALA
OS.299/2003 OF MUNSIFF COURT, KANJIRAPPALLY

PETITIONERS:

1. **AYYAPPAN.M.P., MOTHOTTU VEETTIL, RESIDING AT KORUTHODU BHAGOM, ERUMELY NORTH VILLAGE.**
2. **RAJESH.P.K., PULIKKAKKUNNEL HOUSE, RESIDING AT KORUTHODU BHAGOM, ERUMELY NORTH VILLAGE.**

BY ADV. SRI.V.K.MOHANAN
SRI.N.K.UNNIKRISHNAN

RESPONDENTS:

1. **A.BALAKRISHHNAN, MARAVEETTIL, RESIDING AT KORUTHODU BHAGOM, ERUMELY NORTH VILLAGE.**
2. **MOHANAN, PLATHOTTATHIL HOUSE, RESIDING AT KORUTHODU BHAGOM, ERUMELY NORTH VILLAGE.**
3. **P.P.SEBASTIAN @ JOY, PURAYIDATHIL, KORUTHODU BHAGOM,ERUMELY NORTH VILLAGE.**
4. **SUB INSPECTOR OF POLICE, MUNDAKKAYAM.**
5. **THE STATE OF KERALA, REPRESENTED BY THE DISTRICT COLLECTOR, KOTTAYAM.**

BY ADV. SRI.P.RAVINDRA BABU
GOVERNMENT PLEADER SRI. THOMAS JOHN AMOOKAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 11954/2005 W

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PETITION FILED BY THE P2'S WIFE SMT. MADHURI, BEFORE THE MUNDAKKAYAM POLICE STATION.

EXT.P2. COPY OF THE COMMON ORDER DT. 7/4/04 BY THE MUNSIFF'S COURT KANJIRAPPALLY IN IA NO. 1429/03 AND IA NO. 1431/03 IN OS NO. 299/03.

EXT.P3. COPY OF THE ORDER DT. 8/2/05 IN CMA NO. 7/04 OF THE SUB COURT, PALA.

EXT.P4. COPY OF THE SURVEY PLAN PERTAINED TO SY. NO. 463 IN BLOCK NO. 30 OF KANJIRAPPALLY ATALUK, BY THE ASST. DIRECTOR OF SURVEY ON LAND RECORD CENTRAL SURVEY OFFICE, THIRUVANANTHAPURAM.

EXT.P5. COPY OF THE RESOLUTION NO. V(15) DT. 4/09/02 BY THE MUNDAKKAYAM GRAMA PANCHAYATH WHICH MARKED AS EXT. B2 IN EXT. P2.

EXT.P6. COPY OF THE STATEMENT OF FACTS WHICH MARKED AS EXT. B3 IN EXT. P2.

EXT.P7. COPY OF THE SKETCH FILED BY THE COMMISSIONER IN THE TRIAL COURT.

RESPONDENT'S EXHIBITS

NIL.

True copy

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PIUS C. KURIAKOSE, J.

W.P.(C) No. 11954 OF 2005

Dated this the 22nd day of June, 2007

JUDGMENT

There is no representation for either side. In this Writ Petition under Article 227 the petitioner against whom an order of temporary injunction was passed by the Trial court which was later confirmed in appeal by the Sub Court impugns the orders passed by the trial court as well as the appellate court. Though stay was asked for, this Court was not inclined to grant stay.

2. Having gone through Exts.P2 and P3, I am of the view that those orders do not warrant correction under the supervisory jurisdiction of this Court. However, the Writ Petition will stand disposed of directing the trial court to dispose of the suit uninfluenced by the findings contained in Exts.P2 and P3. The court below shall take a decision in the suit at the earliest on the basis of the evidence which comes on record during trial. At any rate the trial court shall dispose of the suit within four months of receiving copy of this judgment. Till such time as the suit is disposed of, the parties shall maintain the status quo as has been found by the courts below; i.e Munsiff court and the appellate court.

The Writ Petition is disposed of as above. No costs.

PIUS C. KURIAKOSE, JUDGE

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